

**REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 10, 2022**

A. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The City Council Meeting was called to order at 7:00 PM by Mayor Keough and was held at 7610 Ann Arbor Street Dexter, MI.

B. ROLL CALL:

Sanam Arab – Absent
Paul Cousins – Absent
Donna Fisher – Present
Jamie Griffin – Present
Wa-Louisa Hubbard – Present
Zach Michels – Present
Mayor Shawn Keough – Present

Student Representatives:
Bonnie Keating – Present
Adam DiGregorio – Absent

Also attending: Justin Breyer, City Manager and City Clerk; Josh Tanghe, Assistant to the City Manager; Tim Stewart, Public Services Superintendent; Pamela Weber, Recording Secretary; residents; and media.

Attending remotely: Michelle Aniol, Community Development Manager; Grace Whitney, Associate Planner; Marie Sherry, Finance Director/Treasurer/Assessor; Stephen Lechman & David Gassen, PARTNERS in Architecture; and residents

C. APPROVAL OF THE MINUTES

1. City Council Meeting – September 26, 2022

Motion Fisher; support Griffin to approve the minutes of the September 26, 2022 Regular City Council Meeting with the following addition:

- Add City Attorney Scott Munzel to those in attendance.

Ayes: Hubbard, Michels, Fisher, Griffin, Keough
Nays: None
Absent: Cousins, Arab
Motion carries

D. PRE-ARRANGED PARTICIPATION

None

E. APPROVAL OF AGENDA

Motion Griffin; support Hubbard to approve the agenda as presented with the following change:

- Change M-7 from a discussion item to a consideration item.

Ayes: Hubbard, Fisher, Griffin, Michels, Keough

Nays: None

Absent: Cousins, Arab

Motion carries.

F. DECLARATION OF CONFLICTS OF INTEREST

None

G. PUBLIC HEARINGS:

None

H. NON-ARRANGED PARTICIPATION –

Chet Hill, 7550 Fourth Street – Indicated that he wanted talk about the Bell Road bridge. He stated that Wa Hubbard brought him up to speed at the Planning Commission meeting and he had investigated further. He stated that he has been a licensed landscape architect for 50 years with significant involvement in parks and bridges. He stated that he thinks the Bell Road Bridge is wonderful and a place should be found for it, but putting it at that location is a bit out of place. It is big bridge; it's a road bridge and you'll see it forever. He would like to see something lower, less of a presence than the Bell Road bridge would be. The cost presented was tilted toward the Bell Road bridge. The cost of a new bridge would be the same, maybe even less. Lastly, maintenance of the Bell Road bridge is going to be a lot down the road. A pedestrian bridge will not require the same maintenance down the road, maintenance costs that Council perhaps didn't anticipate.

Dan Schlaff, 7939 Forest Street – Indicated that as he was reading the Council packet, he saw a bit from Justin and a bit from OHM. He indicated that he believes it was his responsibility to give Council background on that item since he was the superintendent at that time. When he left July 1, 2022 after three meetings with Chris at OHM, the City was \$16,000 to the good. He stated that Council can read through the document that OHM provided to see where this information is coming from. He stated that he was very upset when he read this document. We have worked with OHM for 25-30 years and he expects a lot more from them than at the last minute to receive a bill for \$97,000 over budget. OHM didn't know the City standards. The quantities were wrong so the bid specs were wrong. This is all on OHM as far as he is concerned, not on staff. The City did add things to this project, we always do.

Donald Wesley of Ann Arbor MI, Construction Project Manager for Avalon Housing - Hill Top View is the new development across from the Anchor/Beacon schools. He expressed

thanks to Justin for meeting us on-site to walk through how the children will get to school. He stated that the group made some observations during that visit so he is advocating for a crosswalk so the kids can safely get across the street to school. It is a half mile to the crosswalk in one direction, passing the school and backtracking, and the same with the other direction. There is no crosswalk directly across from Hilltop. The biggest concern is it will be tempting to cross/dart over directly during inclement weather. Right now, Avalon does not have the financial resources to pay for that crosswalk so we wanted Council to take that into consideration as Council is thinking about the sidewalk and crosswalk options. Thank you for your support. We hope you will take this request under serious consideration.

Sarah Shugart of Dexter Township from Faith In Action – She stated that she is concerned about the safety of the students at Hilltop. She indicated that she knows what the traffic is like on Dan Hoey and hopes Council will consider putting in that crosswalk rather than expecting students to walk a half-mile down. She stated that she knows all these kids were really excited to start the new schoolyear and no one wants to have some tragedy happen. She asked for Council to please reach out if they have any questions from the Faith In Action perspective and appreciates their time. Thank you.

Kevin Peltó, 3030 Inverness – Indicated that he wanted to talk about the discussion last week about Council Members Fisher and Griffin. He stated that he saw people accusing Council Member Griffin of lying and having ulterior motives. He stated that if anyone wants to accuse someone of lying, accuse him. He stated that he started this. He stated that Council Member Fisher and himself are friends and hopes they can be friends after this. Council Member Griffin is not my friend. She is a local politician. He stated that they met a few times at the Library or on the street and he cannot let her take the heat for this. He mentioned that he thought that Council Member Fisher had not lived there for a long time. He stated that he cut her grass, shoveled her snow, vacuumed her leaves, taken in her garbage cans every week and considers her one of his very best neighbors. He stated that he knows she has health issues, and that they discussed many times, her taking care of her mom and what can be better than that. The truth is the truth and that has to be talked about. Council Member Griffin took the heat and she wasn't lying – it was him. He stated that he wanted to know the clarification; it was nothing against Council Member Fisher. He stated that he used to teach ethics. If Council Member Fisher hasn't been there, he does not think that it would diminish her service or dedication to the City. He reiterated that if anyone wants to bully or yell at somebody, yell at him. He stated that even though he might disagree with Council, he appreciates their time and dedication. He stated that he wants to thank almighty god that he lives in a country where he can address the government without fear of being absolutely retaliated or murdered.

Deneen Smith of Ann Arbor and Director of Transportation for Dexter Schools – Stated that she wanted to give input about the sidewalk on Dan Hoey Road. She has personally witnessed a child almost get hit there and witnessed accidents. When the kids miss the school bus, they are just darting across there. She stated that she is really concerned about their safety. The sun is blinding in the fall. She asked to have the sidewalk installed sooner than later. There is a parent that has a wagon with a preschooler in it and they do not watch. Someone is going to get hurt.

Joe Semifero, 3214 Boulder Court – Stated that he wanted to offer a couple of comments on going to attorney. He stated that in the past, Council had discussions about that. What it came down to is the City Manager has to consult with the attorney on a regular basis because it is part of their duties. Council has already approved that because it is a line item in the budget and Council approves the budget. And, the City Manager duties include administration of the budget so it is already approved. Thank you.

I. COMMUNICATIONS:

Upcoming Meeting List –

- Council Member Michels stated that the CAPT/DART meeting location continues to move each month. Trail Towns representatives will attend the November meeting; the location of which is yet to be determined.

J. REPORTS:

1. Public Services Superintendent – Tim Stewart

Mr. Stewart provided his written two-week report as per packet. Mr. Stewart provided the following update:

- Things are good to go on Third and Broad. We are waiting for things to cure, and that should occur by the end of the week. The area was power washed and seal coated today. P. K. will do the line painting after curing. A question was asked about project overages? Mr. Breyer said they do not expect much overage and any overages could potentially be offset by liquidated damages.
- A comment was made that some of the ADA strips at the base of sidewalk crossing slants are popping and peeling. Kurt has a list for repair/replacement. The plastic type is failing. The plan is to use steel going forward, where feasible.
- Water meters are in short supply and even more expensive so we are looking at a different avenue. There is a cellular option that offers remote access software. Residents would be able to look at their own meter readings. In the long run, it would eliminate the radio read outside. It gets rid of the MXU component. Preliminary reviews show a built in auto shut-off option and an alarm feature for unusual usage. Will bring something back in a few weeks for further discussion.

2. Community Development Manager – Michelle Aniol

Ms. Aniol submitted her written report as per packet. Ms. Aniol provided the following update:

- Ms. Aniol apologized to Council Members and Mr. McCargar for neglecting to place Mr. McCargar's comments in her report. She will get a copy out to all in an email tomorrow.
- Regarding the grass and weed ordinance, it has gone from 8" to 6" as Council decided at the June meeting. Discussion followed that Council prefers to move forward with a lawn & weed maintenance amendment now if it is ready. And, the

preference is for 8” height for grass and to remove noxious or harmful vegetation at any height. Like to define natural areas in parks and where people have natural prairie and it is allowed. We also have some people who do rain gardens. Ms. Aniol will ensure that is all covered.

- A question was asked about how the Highline Spirits and Tasting Room is different from a bar/restaurant if they are not making the spirits on site? Ms. Aniol to answer at a later date.
- The property owner and occupant at 8250 Huron Street are cooperating with the enforcement action.

3. Board, Commission, & Other Reports - None

4. Subcommittee Reports - None

5. City Manager Report – Justin Breyer

Mr. Breyer submitted his written report as per packet. Mr. Breyer provided the following update:

- A question was asked about an invoice for Griffin Pest Solutions. Mr. Breyer stated the cost is related to a residence that had bees and hornets in a street tree, for which the City is responsible.
- A question was asked about health and dental Insurance and dental reimbursement. Mr. Breyer reported the union contract states that staff is entitled to \$1,000 per year to cover what dental insurance does not.
- A question was asked about Farmers Market vouchers. Mr. Breyer said we get a grant through the State that pays for the vouchers.
- There will be a Council meeting for the second meeting in December, likely with a short agenda.
- The Fall newsletter went out in the mail last Friday.
- Evan Fleck is a new DPW hire. He worked as summer help and he is now full-time.
- Fall clean-up day for bulk items is this month.
- The Huron River Watershed calendar is being mailed this month.
- A question was asked about follow-up for the left turn into the middle school. Mr. Breyer is awaiting a proposal.

K. CONSENT AGENDA:

1. Consideration of: Bills & Payroll in the amount of: \$227,640.51.
2. Consideration of: Setting Trick-or-Treating Hours – October 31, 2022 from 5:00 – 7:30pm.
3. Consideration of: Appointment of Anna Simmons Oostendorp to the Arts, Culture, and Heritage Committee.

Motion Fisher; support Griffin to approve items 1-3 of the Consent Agenda.

Ayes: Griffin, Fisher, Michels, Hubbard, Keough

Nays: None

Absent: Cousins, Arab

Motion carries

L. UNFINISHED BUSINESS-Consideration and Discussion of:

None

M. NEW BUSINESS-Consideration and Discussion of:

1. Consideration of: Direction Regarding Proposed Dan Hoey Sidewalk Alignment.

Motion Michels; support Fisher to direct staff and OHM Advisors to incorporate sidewalk segments 3 and 4 in the 2023 Dan Hoey Road project report included in the packet.

Ayes: Michels, Griffin, Fisher, Hubbard, Keough

Nays: None

Absent: Cousins, Arab

Motion carries

2. Consideration of: Second Street Water Main Replacement and Sidewalk Installation Project Final Balancing Change Order for an Amount not to Exceed \$97,394.83.

Motion Griffin; support Fisher to approve the Second Street water main replacement and sidewalk installation project final balancing change order for an amount not to exceed \$97,394.83.

Ayes: Griffin, Fisher, Keough

Nays: Michels, Hubbard

Absent: Cousins, Arab

Motion carries

Motion Griffin; support Fisher to reconsider item M-2, Second Street Water Main Replacement and Sidewalk Installation Project Final Balancing Change Order for an Amount not to Exceed \$97,394.83, at the October 24, 2022 meeting.

Ayes: Fisher, Griffin, Hubbard, Michels, Keough

Nays: None

Absent: Cousins, Arab

Motion carries

3. Consideration of: 3515 Broad Street Contract Change Order AWP 01R2 with Axiom Construction for an Amount not to Exceed \$15,563.89.

Motion Fisher; support Hubbard to approve the 3515 Broad St. project change order AWP 01R2 with Axiom Construction for an amount not to exceed \$15,563.89.

Ayes: Griffin, Fisher, Hubbard, Michels, Keough

Nays: None

Absent: Cousins, Arab

Motion carries

4. Discussion of: Preparing for October 13th Public Information Session

Mr. Breyer reported that staff has secured the St. Andrew's Church Fellowship Hall for a City Council work session and public information meeting on Thursday, October 13th from 6:00 – 8:00pm. Council discussion included:

- Review of the proposed agenda for the October 13, 2022 work session meeting and the public safety facilities informational flyer. The agenda, bond millage information sheet and safety facilities renderings/budgets will be available as residents walk in.
- The room layout, moving tables out and chairs forward.
- The session will be more interactive than a typical work session.
- David Gassen will attend. It was suggested that Interim DAFD Chief Armstrong also attend.
- Mr. Breyer could review the info sheet, but cannot elaborate on designs and pros/cons. That will have to come from Council Members and David Glassen.
- Council Members can express their opinions if asked that question during the meeting. The decision has not been made about which option.
- Add public Q&A to the agenda.
- Add PowerPoint slides to help with the agenda.
- The comparison of the needs assessment to the final plans is not ready yet.
- The safety facilities images will be on foam boards.
- The session will be accessible by Zoom

5. Discussion of: General Code, Chapter 20, Article 2 Subdivision Ordinance Update

Ms. Aniol introduced the item by reviewing her October 5, 2022 memo in the packet. Proposed ordinance changes (page 91 of the packet) were reviewed. Council discussion included:

- A suggestion to make amendments to the change points on page 91 of the packet to clarify and reduce excess verbiage and to use modifications vs. variances language. Doing so may cause this item to move beyond the October 24, 2022 Council meeting, which would push the anticipated November public hearing to December.
- Does the Subdivision Ordinance include site condominiums?
- Council Member Michels offered a variety of additional changes, which staff will review for possible inclusion.

6. Discussion of: Process for Obtaining Legal Counsel, In General

City Council discussion included:

- A Council Member needing to make a motion to ask legal counsel a question.
- If one or two Councilmembers want a legal opinion, it should be brought to Council for a vote.
- Mr. Breyer has the authority to reach out to the City Attorney unless it will be over budget, then it has to come to Council. Or if something is sensitive, we would want to bring it to Council first to get agreement.
- When does Charter Section 5.05 come into play? Some members of Council expressed a desire for clarification about what it means to be eligible.

7. Consideration of: Council Member Eligibility, In General

Motion Griffin; support Michels to postpone this item until the October 24, 2022 meeting pending a cost estimate from the City Attorney to review and provide an opinion on this question.

Ayes: Griffin, Fisher, Michels, Hubbard, Keough

Nays: None

Absent: Cousins, Arab

Motion carries

N. COUNCIL COMMENTS (paraphrased or summarized by Recording Secretary)

Hubbard: It was nice to see so many members of the public here today and to hear from people about various items. I hope it continues.

Fisher: If you think I sounded grumpy, I apologize. I'm over that now and I'm moving to a different area. I will not be grumpy next meeting, I promise.

Michels: I can't promise I won't be grumpy next meeting. I told the Market Manager she is doing a very good job. It is nice to see lots of vendors at the Farmer's Market.

Cousins: Absent

~~Fisher: If you think I sounded grumpy, I apologize. I'm over that now and I'm moving to a different area. I will not be grumpy next meeting, I promise.~~

Arab: Absent

~~Hubbard: It was nice to see so many members of the public here today and to hear from people about various items. I hope it continues.~~

Griffin: None

Student Representatives:

DeGregorio: Absent

Keating: I am just glad about the Council consideration about the crosswalk.

O. NON-ARRANGED PARTICIPATION

Joe Semifero, 3214 Boulder – He stated that while the Council rules do say it's a minimum of 4 votes, the charter says a resolution is an official City Council action in the form of a motion adopted by the majority vote of the Councilmembers present. He didn't know if Council Rules can supersede the Charter, but the Charter does say the majority present does pass. He stated that he thought Adam should be excused, because he said he wasn't going to be present tonight. Regarding the lawyer question, he stated it's a good idea to take a vote on Council because for situations that may be difficult or sensitive, it may put Justin in a bad spot. While he is not a political person, the City Manager can be put in a politically difficult position based on a request that he gets. He stated that another reason is if the majority of Council doesn't want to do it and it doesn't get voted yes, then you don't worry about spending the resources on it. Regarding eligibility, he stated that the other thing to note in the Charter it says City Council shall be the judge of the qualifications for its members. If there is a concern, it should be brought up for a vote. If it doesn't get enough votes, it doesn't go forward. If it does, then Council can say this is what we think eligibility is. He stated that for reconsideration, it was the two votes on the non-prevailing side, being Zach or Wa, who would need to make the motion. He indicated that the rationale of going from 35 to 50 was a big jump and it was not safe. He said that the distance between Dan Hoey Road and the second entrance to Dexter Crossing has to be about a quarter mile and there is lot of sight lines there to be able to see that. However, he mentioned that if you go to Westridge, the speed limit is 30 mph before you go under the bridge and it goes to 45 mph at the entrance to Westridge. There is only about 150' of sight there and you cannot see the cars coming out and coming up the hill. He guaranteed they are going 45 before they hit the 45-mph speed limit. He stated that it would be a good place to put the sign. He mentioned the other place is coming into town from the north coming down Mast. He didn't know if it breaks down there. He thanked City Council.

James McCargar, 3580 Hudson – He stated that based on tonight's packet and a comment from staff, he believed that the only portion of the zoning ordinance update that will include a public hearing before Council will be the new subdivision language. This surprised him given that he believes that is a substantial revision to a document that runs north of 500 pages. He found it unclear if Council will have additional chances to hear oral comments prior to action on the revised ordinance aside from the subdivision portion prior to the regular November meeting, except for the generic public comment period. He stated that he believes different constraints apply to the hearing and general comment period. In addition, he noted that the deadline for requesting prearranged participation comes before packets are normally publicly available, which makes gauging prearranged comment dependent on his cracked crystal ball. He stated he suspects Council already knows that a foundational change promoted in the proposed revision to the zoning ordinance is a switch from the conventional zoning to so called Form Based Zoning Code. He mentioned that his understanding of Form Based Coding is that it is a specific strategy for city governments to pursue Smart Growth, a planning approach designed to include long-term sustainability over short term expediency. Form Based Zoning offers reductions in bureaucratic oversight thus time and dollar savings to property owners in

exchange for legally binding Smart Growth provisions. In over 500 pages of the 10-3 Commission packet, the associate staff statements and the Commission actions over the past week, he didn't recall seeing any references to Smart Growth or sustainability or overarching driving goals for the revisions that are consistent with his understanding of Form Based Zoning Code. He stated that the questions he heard tonight included street length, lot size, sidewalk spacing, PUDs and cluster developments that to him must fall under the Smart Growth goals and strategies or the action is ill informed or worse, it's hypocritical and counterproductive. He mentioned he was less clear on related language for land use that emphasizes walkability and bike friendly streets and reducing the carbon footprint to target climate change. On the other hand, there are multiple references to making non-conforming properties into conforming parcels through the new zoning classifications and/or the new zoning map. He stated this zoning revision should not wave a magic wand to reduce zoning noncompliance in the old footprint of the city. He stated there is not even lip service to what kinds of sustainability benefits accrue to the citizens in the existing City prior to any future subdivisions or annexations. He mentioned he had additional concerns relating to Commission's proposed Second Street corridor study. This is particularly important given that the former Adair property appears to have changed hands on or around 6/6 this year. He stated that himself and others have been commenting on the impacts of Adair, its nonconformities and the importance of the adjoining properties including a city park for a couple of years now. He stated that there is a new owner and a new one-year delay for a quarter study subject to budget. He said he could not address those concerns tonight due to time. He did want to thank Michelle for stating her intent to forward his September Commission Public Hearing statement on the August version of the proposed zoning ordinance to Council. He stated he was unclear if that omission referred to including it in tonight's packet as his September 3rd statement. He mentioned that what he thinks Ms. Aniol was talking about was an unintentional omission from the Planning Commission packet for the public hearing from last week.

P. ADJOURNMENT

Motion Fisher; support Hubbard to adjourn the meeting at 10:04 PM.

Unanimous voice vote approval with Cousins and Arab absent.

Respectfully submitted,

Justin Breyer
City Manager and City Clerk

Approved for Filing: _____